

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Michael A. LaPorta, as Guardian and the estate	)	
and person of Michael D. LaPorta, a disabled	)	
person,	)	
	)	
Plaintiff,	)	
vs.	)	Case No. <b>2014 CV 9665</b>
	)	
City of Chicago, a municipal corporation;	)	
Gordon Lounge, Inc., d/b/a Brewbakers; Ruth	)	
G., Inc. d/b/a McNally's,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Defendant City of Chicago, by one of its attorneys, Joseph M. Polick, Chief Assistant Corporation Counsel of the City of Chicago, respectfully removes the above entitled action to this Court, pursuant to 28 U.S.C. §1441(a) and §1446 (a), based on the following grounds:

1. Defendant City of Chicago ("City"), a municipal corporation, is named as a defendant in a civil action pending in the Circuit Court of Cook County of the State of Illinois, case number 2010 L 11901, entitled *Michael A. LaPorta, as Guardian and the estate and person of Michael D. LaPorta, a disabled person v. City of Chicago, a municipal corporation; Gordon Lounge, Inc., d/b/a Brewbakers; Ruth G., Inc. d/b/a McNally's*. Also named as defendants in this action are Gordon Lounge, Inc., d/b/a Brewbakers, a corporation, and Ruth G., Inc., d/b/a McNally's, a corporation.

2. On November 5, 2014, plaintiff filed his Fifth Amended Complaint at Law in the Circuit Court of Cook County, Illinois. *See* Fifth Amended Complaint attached hereto as Exhibit A. Defendant City received Plaintiff's Fifth Amended Complaint on November 10, 2014. *Id.*

3. In addition to claims brought pursuant to Illinois law, Plaintiff's Fifth Amended Complaint alleges claims against Defendant City pursuant to 42 U.S.C. §1983 ("Section 1983"). The newly added federal claims under Section 1983 are set forth in Counts 4, 5 and 6. Count 4 alleges Defendant City deprived plaintiff of his right to access to the courts in violation of the First, Fifth and Fourteenth Amendments to the United States Constitution. Count 5 alleges a claim of municipal liability against Defendant City for an alleged policy, practice and/or custom of concealing and/or suppressing police officer misconduct (both on and off duty), including the use of unlawful force, in violation of First and Fourteenth Amendments to the United States Constitution. Count 6 alleges a conspiracy to deprive plaintiff of his right to access to the courts in violation of the First, Fifth and Fourteenth Amendments to the United States Constitution. The remaining counts against Defendant City (Counts 1 and 7) allege related claims for willful and wanton conduct and conspiracy under Illinois law. The counts against co-defendants Gordon Lounge, Inc. and Ruth G., Inc. (Counts 2 and 3, respectively) allege related claims under the Illinois Dram Shop Act, 235 ILCS 5/6-21 *et seq.*

4. Based on the allegations in Plaintiff's Fifth Amended Complaint that Defendant City violated plaintiff's rights as guaranteed by the United States Constitution and Section 1983, original jurisdiction exists in this Court pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1343(a)(3) and (4). Defendant City is therefore entitled to remove this action pursuant to 28 U.S.C. §1441(a). This court also has supplemental jurisdiction over plaintiff's related claims under Illinois law pursuant to 28 U.S.C. §1367(a).

5. Defendant Gordon Lounge, Inc., d/b/a Brewbakers and Defendant Ruth G., Inc., d/b/a McNally's consent to the removal of this action to this court. *See* consents to removal attached hereto as Exhibits B and C.

6. Pursuant to 28 U.S.C. §1446(a), Defendant City submits copies of all process, pleadings and orders served upon defendants in the Circuit Court of Cook County, Illinois, case number 2010 L 11901. *See* Exhibit D (Process & Pleadings) and Exhibit E (Orders).

WHEREFORE, Defendant City of Chicago respectfully requests that the above-entitled action now pending in the Circuit Court of Cook County in the State of Illinois, case number 2010 L 11901, be removed therefrom to this Court.

Respectfully submitted,

/s/ Joseph M. Polick

Joseph M. Polick

Chief Assistant Corporation Counsel

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